G. R. S. IX-5]

Previous references. 1900

~~191~~ :

Later references. (Sanitary)

File No. 41-00

Serial Nos. 1-9

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-9

In ~~Part~~ B for May 01

SUBJECT.

Measures to abate the nuisance caused by The Cyanide tailings in K.G.F

(I 38/(E)

Noted/S.

W D 88—GPB—50,000—24-7-16

Recd + draft put up
Mat
16/11

Subject to 4

Mr. Standish Lee recommends that sections 6 and 7 of the Alkali Act (44 & 45 Vict. c. 37) shall be incorporated in the Mysore Mines Regs., to prevent nuisance and personal injury from the Cyanide tailings. (Vide his note attached)

I think they may more appropriately come in among the Rules framed under the Mines Regs for the special sanitation of the Kolar Gold fields.

But before making the addition, would it not be better to consult the Sanitary Board on the subject?

17-10-00

Taken from Secy's table for submn to 2nd Cr. 26.10.00

Subject to 2nd Cr.

26.10.00

26.10.00

45-8

11/11/1900 Consult the Sanitary Board 8-11-00 A.S. Scha 9

Read Letter No 5059 of 16.1.00
from the P.C. Local Board Kolar
& Subg with reference to Govt:
Pro No 655 of 14 Nov: 1900
L.A 25:00

+ Encl 3

Copy of a letter of 5th idem from
the Secretary of the Mining Bd:
regarding incorporation of Lees
6 & 7 of the Alkali Act into
the Mysore Mines Regulation

(2) Letter No 497 of 23.1.01
from the P.C. Sanitary Board
Kolar Gold Fields submitting
copy of Resolu passed by the Board
on the subject

Order thereon

Please send this & the
Chendrasekharaya-
-ya papers & ask
them to show that Mr Lee
moved officially in
the matter. He asked
officially thro the Chief
Engineer for a copy of
the Alkali act - Vide
Chendrasekharaya-ya
sent it - & him with
a Do in reply to which
he wrote Subject officially
saying he thought that
Sections 6 & 7 of that act
should be incorporated
in Mines Regula
-tions - It was upon
this I think an Enquiry
was started - Both
the Sanitary and Mining
Boards are against Mr
Lee's proposal - What-
-ever is the use of asking
Mr Lee for opinion,
that too officially? The
matter may I think be
dropped, the letters before us

Copies of the letters read
above & of their enclosures
will be forwarded to Mr Lee
Supdg Engr Sanitary Works
for opinion

Secretary
11/2/01

Do The P.C. Local Board Kolar
Mr S Lee Supdg Engineer
Sanitary Works
through Chief Engr with reference to
his memo No 463 of 26/29.1.'00

being duly recorded, & a copy being forwarded officially to Mr Lee (~~the Engineer~~) for information with reference to his D.O. of the 15th Oct/00.

Rec'd 18-2-01 7.30 P.M.

15/2/01

Subd to Secy.

I agree that a recording order will do. This will enable if communicated to him the Sanitary Inspng Engineer (who is the official adviser of Govt in such matters) to put forward, if feasible, "any practical suggestion for preventing the sands being blown about," as asked for by the Mining Board in its letter of 5-1-01, and to consider the adequacy of "the endeavour which is being made to grow weeds on the cyanide heaps with a view to abating the nuisance."

Draft put up.

19.2.01.

Where are the Sections of the Alkali Act referred to? Please put up Copy.

8/4

Legislation so much available. Please put up if

Sd J 8/4/07

Printed copy not being available, a manuscript copy of Secs: 6 and 7 is put up herewith.

9/4/07

submitted

Sd J 9/4/07

What Mr. Lee states is the general law on Nuisances. He himself in para 2 seems to agree that even without express enactment of what he suggests, the obligation will be the same. In that case, these powers need not be enacted. His letter may, I think, be filed with the 2nd Cs permission

To the 2nd Commissioner

30/4/1907

Please send a Doctor as follows - 11

To

The Secretary

Kolar Sanitary Board

With reference to my Memorandum No 8 dated 2/3/07, I am to forward herewith a copy of letter No 8 dated from the Chief Engineer & Sanitary Board, on the subject

J-2-3-7
Sd J 2/3/07

of the personnel or abolishment of municipal
control by Cyanide
Tailings".

1/5/01

Co by to the Chief Engr
with reference
to his letter No
19? March 01

Irene
2/8

READ AGAIN—

Government Proceedings No. 7558—Legis. 51, dated the 20th December 1898, directing the publication in the *Mysore Gazette* of a revised Draft of Rules for the special sanitation of the Kolar Gold Fields, proposed to be issued under Sections 24 and 25 of the Mysore Mines Regulation, 1897, and requesting certain Officers to favor Government with their suggestions.

Read also the following communications:—

No. 2817-743, dated the 2nd February 1899, from the Deputy Commissioner, Kolar district.

No. 173 M., dated the 23rd February 1899, from the Chief Inspector of Mines in Mysore.

No. 2416, dated the 28th February 1899, from the Senior Surgeon and Sanitary Commissioner with the Mysore Government.

No. 205 L. F., dated the 31st March 1899, from the Deputy Commissioner, Kolar district.

No. 3202-5—LEGIS. 19, DATED BANGALORE, 4TH SEPTEMBER 1899.

ORDER THEREON.—The Draft Rules for the special sanitation of the Kolar Gold Fields, revised as appended to this order, are finally approved by Government.

2. The Deputy Commissioner, Kolar, will take immediate steps to bring the Rules into operation within the local area defined in the schedule thereto, and report, for the approval of Government in the Local Fund and Municipal Department, the names of the persons who may be nominated by the Mining Board to be non-official members of the new Sanitary Board.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Comptroller, Mysore Government.
The Deputy Commissioner and President of the Local Fund Boards in the Kolar District.
The Chief Inspector of Mines in Mysore.
The Senior Surgeon and Sanitary Commissioner with the Government of Mysore.

Exd.—H.A.R.

In exercise of the powers conferred by Sections 24 and 25 of the Mysore Mines Regulation III of 1897, the Government of Mysore are pleased to prescribe the following Rules for the special sanitation of the local area defined in the schedule appended to this Notification.

SECTION I—CONSTITUTION OF SANITARY BOARD.

1. For the proper and efficient administration of these Rules in the said local area, there shall be formed a special Local Board distinct from, and independent of, the Local Fund Board of the Kolar district, and styled "The Kolar Gold Fields Sanitary Board," which shall consist of three *ex-officio* and four non-official members, as specified below:—

Ex-officio Members:—

(1) The Special Magistrate or Chief Executive Officer of the Kolar Gold Fields.
(2) The Principal Government Medical Officer of the Kolar Gold Fields.
(3) The Government Inspector of Mines.

Non-official Members:—Four residents of the said local area, one of whom shall be the chief medical officer of the Mining Board, nominated by the Mining Board and approved by Government.

2. The Special Magistrate or Chief Executive Officer of the Kolar Gold Fields shall be the President of the Sanitary Board.

3. The Sanitary Board may, with the approval of Government, and from the funds from time to time placed at its disposal, appoint a Sanitary Inspector and such establishments of Sanitary Overseers, sweepers, scavengers, watchers and other servants as may be necessary for the proper sanitation of the local area.

4. The Sanitary Board may, with the approval of Government, frame such bye-laws as it considers necessary for the conduct of its business and for the guidance of its members and servants.

5. The expression "Sanitary Officer" used in these Rules in connection with any matter means an officer in the service of the Sanitary Board not below the grade of a Sanitary Inspector or Overseer, who has been duly empowered by the Sanitary Board, either generally or in respect of that matter.

6. All proceedings of a Sanitary Officer under these Rules shall be liable to revision by the Sanitary Board.

Section II—Disposal of Refuse.

All kitchen and stable refuse, animal refuse, night-soil, and other impure matter shall be deposited in pits at spots selected by a Sanitary Officer, or in other receptacles assigned for the purpose. All such refuse, night-soil and other impure matter may be sold as manure or otherwise disposed of as may be directed by a Sanitary Officer, and the proceeds shall be credited to the Sanitary Board.

Section III—Water-Supply.

1. Every well used for drinking purposes shall be a draw well, with a parapet wall not less than three feet in height, and uprights of stone, iron or wood shall be fixed with a pulley attachment for drawing water.

2. All wells, and other sources of drinking-water supply, may be disinfected with permanganate of potash, or other suitable disinfectant whenever necessary, under the direction of a Sanitary Officer.

3. The Sanitary Board may prohibit the use of any well, or order any well to be closed or filled up, which it considers insanitary and incapable of being made sanitary.

4. No person shall bathe or wash clothes or cattle in any tank or well not specially set apart for the purpose; and no tank or well so set apart shall be used for bathing by a person suffering from any contagious or infectious disease, or for washing the clothes of any such person, or for washing any animal suffering from such disease.

Section IV—Prevention of Over-crowding.

1. The Sanitary Board may, subject to the approval of the Government, make bye-laws to regulate the construction and restoration of buildings of every description, the materials of which they shall be made, their ventilation and drainage, the number of persons that may occupy them, and other similar matters.

2. No building of any description shall be erected without the permission, in writing, of a Sanitary Officer, who may, after inspection of the site, grant or refuse such permission. In the event of the said permission being refused, the reasons for such refusal shall be stated by the Sanitary Officer, in writing, and an appeal shall lie from such refusal to the Sanitary Board, whose decision shall be final.

3. Permission of the Sanitary Officer shall be presumed to have been granted if within one month from receipt of notice the Sanitary Officer does not

signify his approval or disapproval of the proposal of the applicant: provided that such construction or restoration be otherwise in accordance with the provisions of these Rules.

4. Every application for permission to build shall be in writing and presented to a Sanitary Officer, and shall contain the following particulars:—

(*a*) Name of locality:
(*b*) Size of building:
(*c*) Description of building and number of rooms with their dimensions:
(*d*) Number of doors and windows with measurements:
(*e*) Purpose for which the building is to be erected, and, where it is to be used as a dwelling, the number of persons who are to occupy it:
(*f*) Arrangements for drainage:
(*g*) Location of the latrine:
(*h*) The level at which the foundation and lowest floor of such buildings are proposed to be laid.

Provided that no such application or permission as aforesaid shall be required in the case of a building erected by or under the authority of a Superintendent of a Mine and intended to be used for mining purposes only and not as a dwelling.

5. With the previous sanction in writing of the Sanitary Board, or in urgent cases of the President of the Sanitary Board, a Sanitary Officer may cause any building erected in contravention of the provisions of this Section to be pulled down or altered, after giving 24 hours' notice in writing to the occupant or owner thereof, and may recover the cost of doing so by distraint and sale of the movables of such occupant or owner.

6. The owner of every uninhabited building or portion of a building, which is in a dilapidated and dangerous condition, shall be bound, when required, in writing, by the Sanitary Board, to dismantle the same and to have the walls levelled to the ground.

Section V—Drains and Latrines.

1. The owner of every bazaar or dwelling shall provide a suitable drain as may be approved by the Sanitary Board, in front and in rear of such bazaar or dwelling, unless a Sanitary Officer decides that such drain is unnecessary, and shall, if specially ordered by a Sanitary Officer, provide a similar drain within the premises of such bazaar or dwelling, and shall keep the said drain or drains clean. On failure to comply with this rule, a Sanitary Officer may give the owner or occupant of such bazaar or dwelling 48 hours' notice in writing to provide or to clean such drain or drains, and may, if such notice is not complied with, construct or clean such drain or drains, and recover the cost of doing so from the owner or occupier, by distraint and sale of his movables.

2. No person shall construct or maintain a privy pit or latrine within the walls of any building without permission in writing from a Sanitary Officer, or otherwise than in conformity with his directions.

Provided that dwellings belonging to classes among whom females do not appear in public may be provided with a latrine or privy pit of such description and in such place within the premises as may be approved by a Sanitary Officer, and the same shall be open to periodical inspection by any Sanitary Officer and shall be kept clean.

3. Public latrines shall be provided at such places, in such numbers and of such description as may be prescribed by the Sanitary Board.

4. No person shall ease himself near or outside a latrine, or in or about any road, public pathway, well or building, or on the banks or beds of any springs, streams or tanks, or in any place where such act has been specially forbidden by the Sanitary Board.

5. Every person employing workmen, labourers or other persons, exceeding ten in number, on any work, shall be bound, unless the same is consider-

ed unnecessary by a Sanitary Officer, to erect and to keep clean and in repair, a suitable double latrine for the use of the persons so employed. On the failure of any person to comply with this rule, a Sanitary Officer may, after 24 hours' notice in writing to such person, cause a double latrine as aforesaid to be constructed, cleaned, or repaired as the case may be, and levy the cost thereof from such person by distraint and sale of his movables, or may stop the further progress of the work on which the men are employed until the provisions of this rule have been complied with.

Section VI—Keeping and Slaughter of Live-stock, Etc.

1. Unless with the permission of the Sanitary Board, no cattle, sheep, goats or pigs shall be kept within 30 feet of any building used as a shop or dwelling, nor shall sheds for such animals be erected nearer than 20 yards of any such building.

2. No animals shall be slaughtered within 100 yards of any building, source of water-supply, or public road or way, except with the permission in writing of a Sanitary Officer, or otherwise than within enclosures erected for the purpose on such sites as may be selected or approved of by the Sanitary Board.

3. Every owner of a market, or of any slaughter house, or other place used for slaughtering animals, shall provide such drains and cess-pits therein and such floor therefor as may be considered necessary by a Sanitary Officer; also a supply of water sufficient for keeping such market, slaughter house, or other place in a clean and wholesome condition.

4. No place shall be used for selling or storing or exposing for sale meat, poultry, fish, fruit or vegetables without a license from a Sanitary Officer, who may at any time revoke such license.

5. No place shall be used for slaughtering cattle, sheep, goats or pigs without a license from the Sanitary Board.

6. The owner or contractor of every market, slaughter house, or other place used for slaughtering animals shall pay to Government such fees as it may prescribe from time to time; and every person bringing an animal for slaughter to such market, slaughter house, or other place, shall pay to the owner or contractor thereof a fee according to the following scale:—

	As.
Bullock	6
Cow	6
Buffalo	6
Calf	6
Sheep	2
Goat	2
Pig	2

7. All slaughtering of animals shall take place within such hours as the Sanitary Board may prescribe, after which all skins, carcasses, bones, horns, and offal must be removed and the premises cleaned by the owner or contractor.

8. A Sanitary Officer may permit any person or persons to kill, without license and without payment of any fee, any animal at any place on the occasion of festivals and ceremonies, or as a special measure.

Section VII—General.

1. No person shall feed or cause to be fed any milch-cow or animal suitable for human food on night-soil, stable litter or other refuse or deleterious matter, or

allow any latrine, cesspool or receptacle for filth, or any house or premises to remain in a filthy condition after six hours' notice from a Sanitary Officer, or

throw or allow to be thrown, or allow to flow, any foul water, filth, urine, or refuse into or on any road, street or bye-way, or

remove night-soil or other noxious matter along any road or thoroughfare so as to be offensive or dangerous to health, or

deposit manure, filth or rubbish in any open place, drain, river, pond, or tank, or in any other place not specially set apart for that purpose, or

neglect to comply with an order from a Sanitary Officer to whitewash or disinfect any premises which he owns or occupies, or to clean, repair, fill up, or cover any well, tank, reservoir, marshy ground, or excavation, or remove rank vegetation or other matter within such premises, or

being afflicted with a loathsome, infectious or contagious disease, expose for sale any article of food or drink, or

carry or cause to be carried along any public thoroughfare any article that has been used by or has been in contact with any person suffering or convalescing from any infectious or contagious disease, or

obstruct any person appointed under these Rules for the purposes of sanitation.

Section VIII—Burial and Burning Grounds.

1. No person shall bury or burn dead bodies or cause the same to be buried or burnt in any place other than the burial or burning ground duly appointed for the purpose by or under the orders of the Government.

2. No person shall build or dig, or cause to be built or dug, a grave in any ground so appointed, at a less distance than two feet from any existing grave; and no grave shall be less than six feet in depth.

Section IX—Prevention and Treatment of Infectious and Contagious Diseases.

1. Every Person shall be bound to give immediate information to the nearest Magistrate, Sanitary Officer, Police Officer, or Medical Officer not below the grade of Hospital Assistant, of any case of infectious or contagious disease or of death from such disease, coming to his knowledge.

2. It shall be the duty of the person to whom such information is given, to institute or cause to be instituted immediate inquiry as to the nature of such disease or the cause of such death and to report the result of such enquiry to a Sanitary Officer.

3. Any person found suffering from cholera, small-pox, plague or other infectious or contagious disease, may be removed to a hospital set apart for the treatment of such diseases, by a written order from a Sanitary Officer; and all persons residing in the building in which such disease occurs may be segregated by a similar order.

4. Persons infected or suspected to be infected with any such disease, and persons residing in a locality in which such disease has occurred, may be prohibited by a written order from a Sanitary Officer from leaving such locality unless and until a Sanitary Officer certifies that they may safely be permitted to leave such locality.

Section X—Under-ground Sanitation in Mines.

1. Every Superintendent of a Mine shall be bound to provide or cause to be provided a sufficient supply of pure drinking water underground, at such points as may be directed by the Inspector of Mines, and from such sources as may be approved of by the Sanitary Board.

2. Every Superintendent of a Mine shall be bound to provide or cause to be provided suitable latrines or privies for the use of persons employed underground, at such points as may be directed by the Inspector of Mines, and shall provide a sufficient number of scavengers and overseers underground to keep such latrines and privies clean and wholsome. All excrement and other filthy matter shall be deodorized daily with a deodorant approved by the Sanitary Board, and disposed of in manner prescribed by such Board.

3. No person shall ease himself or urinate in any underground part of a mine other than the place set apart for such purpose or drink or take water for drinking purposes from other than the duly appointed supply.

4 It shall be the duty of every underground employee of a mine who becomes cognisant of a breach of any of the provisions of this Section, to report the same to the Inspector of Mines or a Sanitary Officer.

SCHEDULE.

LOCAL AREA FOR WHICH THE RULES ARE MADE.

The following Villages in and around the Kolar Gold Fields:—

Doddur Karpanahally, Doddurhally, Madamuttanahally, Hulkund, Badimakanhally Aisandra, Kadregaudankote, Pedadampalli, Raddihalli, Thammenhalli, Kausandra, Nagasettihalli,. Shimanbandi, Guvanhalli, Chinpalli, Katampalli, Gatrayagadahalli, Peddapalli, Uriga, Yarnaganahalli, Sonkoppa, Párandahalli, Nachihalli, Putepalli, Nakkanhalli, Mashiga, Kambadhalli, Kempathimmanhalli, Gonimakanhalli, Gangadoddi, Markoppa, Suranhalli, Tummanpalli, Balganballi, Kotur, Gidde gaudanhalli, Chinganhalli, Kal-kembli, Dod kembli, Baiganpalli, Lakshmi sagara, Gattamadamangala, Balligere, Byatrayanhalli, Dod Kalhalli, Kempapur, Tanimadagu, Tulampalli, Armanhalli, Pura, Bodwiki, Jangutta, Lakkenhalli, Thavarikere, Pedmaripalli Chinmaripalli, Pitchahalli, Dahanhalli, Bogisonnepalli, Ookrahalli, Boginhalli, Byraganhalli, Burgamakanhalli, Dodvalagamadi. Shingarahalli, Aimarspura, Pedchinnapalli, Maliyangurki Amanikere, Maliyangurki, Ajampalli, Devganhalli, Soregaudankote, Chinkote, Kattihalli, Dasarahosahalli, Nerlekere, Thammanhalli, Kavaruhalli, Aithandahalli.

C. SREENIVASIENGAR,
Secy. to Govt, Gen. & Rev. Depts.

REGULATION NO. III OF 1897.

(PASSED ON THE SECOND DAY OF OCTOBER 1897.)

The Mysore Mines Regulation.

A Regulation to Prevent the Theft of Mining Materials, and to Provide for the Regulation and Inspection of Mines, and for the Sanitation of Mines and their neighbourhood.

Preamble.

Whereas it is expedient to make special provision to prevent the theft of mining materials in the Territories of Mysore, and to prevent and punish the offence of receiving and disposing of stolen mining materials; and whereas it is further expedient to make provision for preventing danger to human life or safety, and for the sanitation of the mines and their neighbourhood: Her Highness the Maharani-Regent is pleased to enact as follows:—

Short title.

1. This Regulation may be called "The Mysore Mines Regulation, 1897."

Local extent and commencement of Regulation.

It extends to the whole of the Territories of Mysore and shall come into operation on the passing thereof.

Interpretation.

2. In this Regulation, "Mining operation" shall include—

Mining operation.

(*a*) the carrying on of any underground or surface work in connection with the prospecting for, or the mining, winning, dressing, milling and treatment of ores, minerals and mineral products of every description;

(*b*) the erecting, making and using of, and otherwise dealing with, for purposes of such work, any railway, tramway, road, building, machinery and other plant; and

(*c*) the manufacture, carriage, storage, and use of all explosives, chemicals and other materials to be employed in such work.

Mine.

"Mine" includes every place where any mining operation is carried on.

Mining Proprietor.

"Mining Proprietor" or "Proprietor" means and includes any person or persons or company on whose behalf any mining operations are carried on.

Mining Superintendent.

"Mining Superintendent" or "Superintendent" means the person who is the local representative of a Mining Proprietor, and includes an Agent or Manager in charge of any mine on behalf of a Mining Proprietor.

Mining materials.

"Mining materials" shall include—

(1) gold-bearing quartz, native gold, precious stones and other rocks and minerals of value;

(2) gold amalgam, sponge-gold and other valuable mineral products of mines in any stage of treatment or extraction; and mercury, potassium cyanide and other chemicals and materials used in such treatment and extraction;

(3) dynamite, nitro-glycerine, blasting gelatine, gelatine dynamite, fuse, detonators and other explosives used or intended to be used in mining operations; and

(4) such other materials and things used or intended to be used in mining operations as may be declared by the Government of Mysore from time to time by notification published in the official Gazette to be mining materials.

"Inspector of Mines" shall include any officer to whom all or some of the duties of an Inspector of Mines under this Regulation shall have been delegated, either by general or special order of the Government of Mysore, so far as the performance of such duties is concerned.

Inspector of Mines.

Protection of Mining Property.

3. The Government of Mysore may, by notification in the official Gazette, direct any specified area to be brought under the provisions of Sections 4, 5, 6, 7 and 8 of this Regulation, and may, by like notification, cancel or modify such direction.

Sections 4, 5, 6, 7 and 8 may be applied to specified areas.

4. Within any area included in a direction under Section 3, no person shall purchase or take in barter or exchange any mining material belonging to a Mining Proprietor without the written permission of such Mining Proprietor or his Superintendent, nor shall any person, without such written permission, receive or remove any such mining material otherwise than for use for mining purposes on behalf of such mining Proprietor.

Mining materials not to be purchased or removed without written permission.

5. It shall not be lawful for any person, within any area included in a direction under Section 3, to carry on the profession of a goldsmith or engage himself in the melting of gold or in the manufacture of articles of gold without a license in writing obtained for that purpose as hereinafter provided.

License required for goldsmiths, etc.

6. A Magistrate of the first class may issue the license referred to in Section 5, and such license shall remain in force till the last day of the official year in which it is issued. On every such license there shall be levied such fee as the Government of Mysore may, by rule, prescribe in that behalf.

Power to grant or cancel a license.

A Magistrate of the first class may, for any good and sufficient cause recorded by him in writing, cancel any such license before the expiry of the year for which it is granted, or decline to grant the license for a fresh year. Such an order, if passed by a Magistrate other than the District Magistrate, shall be appealable to the District Magistrate, whose order shall be final.

7. Any Police officer not below the rank of an officer in charge of a Police station, may search any person or any house, building or place for the discovery of any mining material or other thing with, or in respect of, which an offence under this Regulation is reasonably suspected to have been committed.

Power to search.

8. Any person found within any area included in a direction under Section 3, to be in possession of any mining materials without the written permission of a Mining Proprietor or Superintendent within the aforesaid area, and unable to prove that his possession of the same was obtained in a lawful manner, shall, on conviction before a Magistrate, be liable to pay a fine not exceeding five hundred rupees, or to suffer imprisonment for a term which may extend to one year, or to both.

Penalty for unlawful possession of mining materials.

9. Any person committing a breach of any of the provisions of Sections 4 and 5 of this Regulation, shall be liable to pay a fine not exceeding five hundred rupees, or to suffer imprisonment for a term which may extend to one year, or to both.

Penalty for breach of Sections 4 and 5.

10. It shall be in the discretion of the Magistrate, in the case of any person, not being a female, who shall be convicted of a second offence under Sections 8 and 9 of this Regulation, to award whipping under the provisions of Act No. VI of 1864 (*an Act to authorize the punishment of whipping in certain cases*) or of any

Substitution or addition of whipping in certain cases.

any officer to whom the Inspector of Mines may, in accordance with a general or special order of the Government of Mysore, delegate the same.

Mining Proprietor or Superintendent to afford facilities to Inspector.

17. Every Mining Proprietor or Superintendent shall furnish the Inspector of Mines, on requisition, with the means necessary for making any entry, inspection, examination or inquiry under this Regulation, and in case of non-compliance with such requisition, shall be liable to a fine not exceeding one hundred rupees.

Notice of defects by the Inspector of Mines.

18. If the Inspector of Mines finds that in any mining operation the provisions of this Regulation or of the rules thereunder are not duly observed, or that any mine or part thereof or any matter, thing or practice in or connected with such mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten, or tend to the bodily injury of any person, he may give notice in writing to the Mining Proprietor or his Superintendent, stating the particulars in which he considers the provisions of this Regulation or the rules aforesaid are not observed, or the mine or any part thereof or any matter, thing or practice is dangerous or defective, and require the same to be remedied within a specified time.

Report to Magistrate and Government.

19. The Inspector of Mines shall forthwith forward to the Magistrate of the District, and to any other Magistrate specially empowered by the Government of Mysore, a copy of every notice under Section 18 which requires anything to be done or remedied so as to prevent danger to human life or safety, and he shall also report to such Magistrate as aforesaid the compliance or non-compliance with every such notice as aforesaid.

The Inspector of Mines shall report to the Government of Mysore every non-compliance with a notice issued under Section 18.

Objection by Mining Proprietor.

20. If the Mining Proprietor or his Superintendent objects to comply with any requisition in a notice under Section 18, he may, within ten days after receipt of the notice, send his objection in writing, stating the grounds thereof to the Government of Mysore, and thereupon the matter shall be determined by arbitration in the manner provided by this Regulation.

Provided that nothing in this section shall affect the powers of a Magistrate under Section 144 of the Code of Criminal Procedure.

Rules for Arbitration.

21. Arbitrations under this Regulation shall be conducted in accordance with the following provisions :—

(*a*) Within fourteen days after the lodging of an objection under the last preceding section, the Mining Proprietor or Superintendent, and the Inspector of Mines on behalf of the Government of Mysore, who shall both be deemed to be parties to the arbitration, shall each nominate an arbitrator.

(*b*) The arbitrators, before entering upon their duties, shall nominate another person as umpire.

(*c*) No person who has no knowledge of mining work shall be an arbitrator, and no person who is not a Justice of the Peace or a District Judge or a Magistrate of the first class shall be an umpire; nor shall any person act as arbitrator or umpire who is employed or interested in the management of the mine to which the arbitration relates. Every objection to the qualification of an arbitrator shall be preferred in writing at the earliest opportunity to the Magistrate of the District, whose decision thereon shall be final :

Provided that no such objection shall be taken after the award has been made.

(*d*) If the arbitrator appointed by either party fails to proceed with the arbitration for seven days consecutively, or if he cannot proceed with it owing to death, sickness or other cause, the other party may, by notice in writing, require the appointment of another person in his place.

(*e*) If the umpire similarly fails to act in the matter of arbitration, either party may call on the arbitrators to appoint another person in his place.

(*f*) If, within seven days after the receipt of a notice under clause (*d*) or (*e*), no new arbitrator or umpire has been appointed, or where the arbitrators do not agree to appoint an umpire, the District Magistrate shall, on the application of any of the parties, appoint a proper person as arbitrator or umpire as the case may be.

(*g*) The arbitrators or the umpire, as the case may be, may examine the parties and their witnesses on oath; and for this purpose, any Magistrate having local jurisdiction shall, on their requisition in writing, summon the witnesses to appear before them or produce documents in their possession.

(*h*) When both the arbitrators are agreed on the matters referred to them, their decision shall be final; but whenever there is a difference on all or any of such matters, the matters in difference shall be submitted to the umpire, whose decision thereon shall be final.

(*i*) The payment (if any) to be made to an arbitrator or umpire for his services shall be fixed by the Government of Mysore; and together with the costs of the arbitration or award (to be taxed as in a proceeding in a civil court), shall be paid by the parties or one of them as the award may direct.

(*j*) Every proceeding held by the arbitrators or umpire under this section shall be deemed to be a judicial proceeding within the meaning of Sections 193, 219 and 228 of the Indian Penal Code.

(*k*) The Government of Mysore may, from time to time, make such additional rules as it may deem necessary for the conduct of arbitrations under this Regulation, but not so as to be inconsistent with any of its provisions.

Penalty for non-compliance with Inspector's order or award of arbitrators.

22. Any person who intentionally or negligently omits to comply with a notice under Section 18, except when an objection has been duly lodged under Section 20, or with the terms of an award made under Section 21, shall, for every such omission, be liable to a fine not exceeding one thousand rupees; and in case the omission has been intentional, to a further fine not exceeding one hundred rupees for each day the omission continues:

Provided that the Court, if satisfied that the Mining Proprietor or Superintendent has taken active measures for complying with the notice or award, but has not with reasonable diligence been able to complete the works, may adjourn the proceedings taken before it for punishing the offence, and if the works are completed within a reasonable time, no penalty shall be inflicted.

Imprisonment for offences calculated to endanger the safety of persons.

23. Where any person is guilty of any offence under this Regulation which, in the opinion of the Magistrate who tries the case, is one which was reasonably calculated to endanger the safety of any person or cause serious personal injury to any person or to cause a dangerous accident, and was committed by the personal act, personal default, or personal negligence of the person accused, such person shall be liable, if the Court is of opinion that a pecuniary penalty will not meet the circumstances of the case, to imprisonment for a period not exceeding three months.

Sanitation.

Power of Government to make sanitary rules.

24. The Government of Mysore may, from time to time, make rules for the special sanitation of any local area within which mining operations may be carried on. Such rules may provide—

(i) for regulating the disposal of kitchen and stable refuse, animal refuse of all kinds, and night-soil or other such offensive matter;

(ii) for conserving and guarding against pollution all sources of water-supply;

(iii) for preventing overcrowding in bazaars, in cooly lines, and in streets or houses for work-people or others;

(iv) for the proper cleansing of drains, sewers, latrines and urinals;

(v) for regulating the keeping of cattle and other animals and the location of sheds for them; and

(vi) for the proper and timely treatment of persons affected with cholera or other epidemic disease, and for preventing the spread of such disease by temporarily prohibiting persons affected, or suspected to be affected with it, from moving to or from particular specified places or travelling on particular specified routes.

The local area for which the rules under this section are made shall be described in a notification published in the official Gazette.

Constitution of a Local Board for sanitation.

25. For the purpose of carrying out the rules made under the last preceding section the Government of Mysore may appoint any persons, official or non-official, residing within such area, to constitute a Local Board, and invest such Board with powers for the enforcement of the said rules, and prescribe the mode in which such Local Board shall conduct its business for carrying out the said rules.

Punishment for breach of rules framed under Section 24.

26. For every breach of rules framed under Section 24, the offender shall be liable to a fine not exceeding rupees one hundred.

GENERAL.

Imprisonment for default of payment of fine.

27. Whenever a punishment of a fine is prescribed in this Regulation, the Court may sentence the offender also to such imprisonment as may be awarded under Section 67 of the Indian Penal Code, in case of default of payment of fine.

Rules requiring returns and delivery of specimens.

28. The Government of Mysore may frame rules requiring the delivery of periodical returns of work done, workmen employed, the outturn from the mine of minerals and mineral ores, and such other information as the Government may think fit to demand; and for the furnishing of samples of quartz and other rocks and minerals mined or met with in the course thereof, and prescribe a fine not exceeding one hundred rupees for every breach of such rules.

Abetment of offences under this Regulation.

29. The abetting (within the meaning of the Indian Penal Code) of any offence under this Regulation shall be punishable in the same manner as the offence itself.

Saving of liability for punishment under the Indian Penal Code.

30. Nothing in this Regulation shall be deemed to affect the liability of any person to be tried and convicted under the Indian Penal Code for any offence punishable under that Code, which may be committed by him:

Provided that a person shall not be punished twice for the same offence.

Offences against Regulation and rules by whom cognizable.

31. All offences against this Regulation and all breaches of any rules made thereunder shall be cognizable by the District Magistrate or a Magistrate of the First Class.

Provisions of the Code of Criminal Procedure to apply to searches.

32. The provisions of the Code of Criminal Procedure (Regulation 1 of 1886) relating to searches shall, so far as may be, apply to all searches made or instituted under this Regulation.

Publication of rules.

33. All rules made under this Regulation shall be published in the official Gazette and shall thereupon have the force of law. The Government of Mysore may, in like manner, modify or cancel any such rule.

K. SHESHADRI IYER,
Dewan of Mysore.

L804

355-9
29-9-00

No 4639 Dt. 26/9/1900

Passed on.

L. Lamshed Col.
Chief Engineer &
Mysore

29/9

Section Drain
File No 4/00
Serial No 4

Application
28-9-00

D.O. letter

20 be reported
x some 10/11

SEP 1900
4087
Mysore P. W. D.

FROM

Superintending Engineer,
Sanitary Works.

To The Secretary to the Govt of Mysore
General and Revenue Dept
Thro' The Chief Engineer & Mysore

Dated Bangalore 20th September 1900

Despatched

Received

GOVERNMENT OF MYSORE
No. 17 A 1900-1
4 OCT 1900
LEGISLATIVE DEPARTMENT.

General No. 2284

No. 4

Enclosure No.

Has the honor to request that a copy of the Alkali &c Works Regulation Act 1881, as amended by the Act of 1892 (29 & 30 Vic C. 30) may be sent to this office as it is required to ascertain whether the cyanide tailings flying about the Gold fields workings could be deemed a public nuisance under the law, and what steps should be taken to abate the same

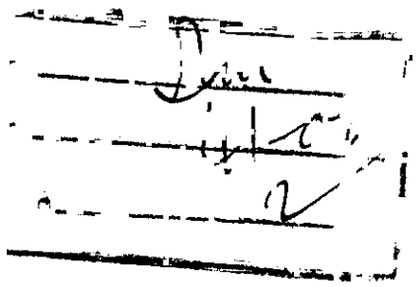
Superintending Engineer
Sanitary Works

(Draft for approval)

3

GOVERNMENT OF MYSORE

Govt: Order



The question of abating the nuisance caused by the cyanide tailings flying about the Kolar Gold Fields having come before the Govt: for consideration, they deem it desirable to consult the Kolar Gold Fields Sanitary Board on the subject of incorporating sees 6 & 7 of the Alkali Act (41 & 45 Vict: C. 37) in the Mysore Mines Regulation. The President of the Local Boards, Kolar District is therefore

Cross file

Files opened 14/11/00

RL857

665-5-

L.F 25-1900 / 14/11/00

Encl: one

From the Secretary

347 of 24/11/00 Lg 34

From Sheridan 505 of 16/1/01 Lg 28

therefore requested to obtain and furnish the opinion of the said Board on the subject and to submit a copy of their resolution

A copy of the above sections of the Alkali Act is enclosed for reference.

Ben 12/11/00.
For Secy.

Org 10/11/00

To

The Secretary of the Local Board
Kolar Distt

(4)

L7

28/11/00

A. S. Che
Dy 30/11/00

Submitted for orders
Dy 1/12/00

Resubmitted as it is
presumed back in office without orders
Dy 4/12/00

Send the file to the Chemical Examiner as he seems to have called for the information
Hes
11/12/00

Record with the Finance Committee that the Sanitary Board is invested
13.12.00

H. Crowe
Dy 14/12/00
Offg Sec. 18-12

OF
5923
29. XI. 00
1900-1901

L934

From The President
Sanitary Board
Kolar Gold Fields.

To The Secretary to the Govt of
Mysore - Rev: & Genl
Departments.

Dated
Despatched } 24th November 1900.
Received.

General No. 347
No.

Enclosure No. 1 [illegible]

Sera.

Sir

With reference to Government Proceedings No. 6655 R.F. 25-1900 dated 14th November 1900 forwarded to the President Local Boards Kolar District to obtain the opinion of the Sanitary Board Kolar Gold Fields as to the advisibility of introducing Sections 6 and 7 of the Alkali Act (44-45 Vic. c 37) in the Mysore Mines Regulation, I have the honor to state that I have been requested by the Board to forward the papers

in question to Mining Boards for opinion as the Sections of the Act do not appear to apply to the Conditions obtaining on the Fields -

Copy of Board's Resolution No. III passed on the subject is herewith enclosed for perusal.

I have the honor to be
Sir,
Your Most obedient Servant

P. C. Carr
President
Sanitary Board.
Kolar Gold Fields.

Proceedings of the Special meeting of the members of the Kolar Gold Fields Sanitary Board held on 19th November 1900.

Resolution No III Read Government Proceedings No 6655 dated 14th November 1900. forwarded to the President Sanitary Board Kolar to obtain the Board's opinion as to the advisability of introducing Sections 6 & 7 of the Alkali Act (44 & 45 Vic: c 37) in the Mysore Mines Regulation.

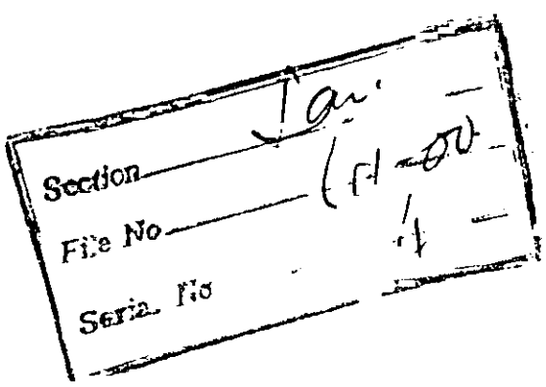
Resolved that the papers be forwarded to the mining Boards for opinion as the Sections of the Act under reference do not appear to apply to the conditions obtaining on the Fields.

F C Cam
President
Sanitary Board
Kolar Gold Fields.

20-11-1900.

Read (5)

Letter No 3479 of 24 Nov. 1900
from the P.C. Sanitary Board,
Kolar Gold Fields & Statement
reference to Govt. Pro No 6655
of 14 Nov. 1900, that he has
been requested by the Board
to forward the papers to the
Mining Board for opinion



RL 1120

Order thereon 8394 24/12/00
L.F. 25-00
Recorded with the
remark that the opinion of
the Mining Board is awaited

Yes

for C.F.S. Levy
Dy 18/12

To the P.C. the Local Boards
Kolar &c

OFFICE OF THE
7945
22-1-01.
DEWAN OF MYSORE

L 278 (6)

1900 1901

From The President of the Local Board Kolar District

To The Secretary to the Govt of Mysore Rev. & Genl Depts

Dated 16th January 1900

Despatched 18

Received

General No. 505

No. 279 R.

Enclosure No. One

Section 1 Dem 22-1-01

C. O. 1

Corr. No. —

Ref. No. 1158 dated 12/1/01

Submitting the copy of the letter dated 5th Inst from the Secretary of the Mining Board regarding incorporation of the sections 6 & 7 of the Abkari Act in the Mysore Mines Regulations

L 7

19 Jan

K. Moodaliar 20-1-01

ii 28 with 1317.

NMD 21.1.01

Office of the President of the Local Boards Kalgoorlie Field.
Dated 14th January 1901.

From J. E. C. Carr Esqr.
President

To The Secretary to the Government of Singapore
Revenue & General departments.

Sir,

With reference to Government proceedings No. 6655 dated 14th November 1900 proposing the incorporation of section 64 of the Alkali Act into the Singapore Mines Regulation, I have the honor to state that the subject was placed before the Sanitary Board at their special meeting on 19th November 1900 and a copy of their resolution has already been submitted.

2. The matter having been placed before the Goldfields Mining Board, they have concurred in the opinion expressed by the Sanitary Board, intimating that the Alkali Act does not apply to the cyanide heaps on the fields. A copy of letter dated 5th Instant from the Secretary of the Mining Board stating that they would duly consider any practical suggestion to prevent the said from being blown about is also attached.

I have the honorable
Sir
Your most obedient servant.
J C Carr
President.

The Kolar Gold Field Mining Board

Coorgaum

Mysore State

S. India

5th January 1901.

The President

Kolar Gold Fields Sanitary Board.

Sir,

Your communication No 363, dated 31st ultimo together with the enclosures mentioned therein duly came to hand, and have been submitted to my Board.

I now have the honor to inform you that my Board quite concur in the opinion of the Sanitary Board that the sections of the Alkali Act referred to do not apply to the conditions affecting the cyanide waste heaps on the Field. If any practical suggestions for preventing the sands being blown about should be placed before them they would be pleased to give the same due consideration; in the mean time an endeavour is being made to grow weeds on the heaps with the view to abating the nuisance.

I have the honor to be

Sir

Your most obedient servant

(Signed) Payne

Secretary

"Copy"

[illegible]

President.

File 25-00 in Collection

8262
29-1-01.

1901

L 131

7

From The President
Sanitary Board
Kolar Gold Fields.

To The Secretary to the Govt of
Mysore Genl & Rev
Department

Dated 23/1/01.

Despatched
Received 23-1-1901
24

General No. 497
No.

Enclosure No. 1

Ref Dairy No 115-2-3

Sir With reference to Govt Orders
No 8394 L 1273 Dated 21st Decr 1900
L F 25-1900
requesting to expedite the
opinion of the Mining Board
on its suggestion to introduce
certain sections of the Alkali
Act, I have the honor to submit
herewith copy of Resolution No
VI passed by the members of
the Sanitary Board in a meeting
held on 16th instant on the subject
for perusal.

I have the honor to be
Sir,
your most obedient Servant
R Vor Turner
for President
Sanitary Board
K. G. F.

L 7
22/1/01

Proceedings of monthly meeting of the members of the Kolar Gold Fields Sanitary Board held on Wednesday the 16th January 1901.

VI. Read and approved Presidents letter to Government forwarding in reply to their proceedings No 8394 dated 21st December 1900. the opinion of the Mining Board concurring with the Sanitary Board in considering the introduction of certain Sections of the Alkali Act to the Gold Fields inadvisable.

L F 25-1900

for President
Sanitary Board
Kolar Gold Fields

Read the foll? papers (8)

Govt. order no. 6855 dy the 2 7.25-1900 / 14th Nov. 1900, asking the Pres?- of the Kolar Gold Fields Sanitary Board to consider the question as to the desirability of incorporating the provisions of sections 6 and 7 of the Alkali Act (44 & 45 Vict. c. 37) in the Mysore Mines Regs., with a view to prevent nuisance and personal injury from the cyanide tailings flying about the Gold Fields?

Letter no. 347 dy the 24th Nov. 1900 from the President of the K. G. Fds Sanitary Board, stating that the Board are of opinion that the sections of the Alkali Act under reference do not appear to apply to the conditions obtaining on the Fields and that the papers be forwarded to the Mining Board for opinion.

From the Same 16239 19/3/01 & 1674

Letter no. 505 dy 16th Jan?- 1901 from the same Officer forwarding the following expression of opinion from the K. G. Fields Mining Board:- "My Board quite concur in the opinion of the Sanitary Board abovementioned."

Letter no. 497 dy 23? idem forwarding the same opinion of the K. G. Fields Mining Board.

Order there-

Govt. 6155 - 1900

Q. This should have been "the rules under" in the original draft. Vide my note of 17-10-00. [illegible]

R. L. 1528

11562-5 dy 2/3/01.
L. T. 25-00

Order thereon 11562-95. 8/2/01

Recorded £7.25.00
8/2/01.

Cl 22/7/01

Secy's order)
19.2.01.

Sec 4

To
The Pres.t, K.S.P. Sanit. Board.
The Chief Inspector of Mines
& Dep.ty to Insp.t-Gen.l of Fact. & Depts

The Sanitary Commissioner (& Surgeon)
with the Fort-

The Chief Engineer of Mines
for Comm.r (& the Sanitary)
Inspng Engineer

A D.O. will also be sent separately to Mr. Lee.

Draft issued.

To Mr Clerk v.s

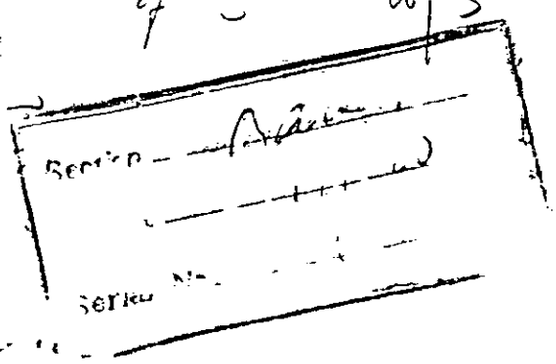
Submitted Asst. Secy for a D.O. letter to be sent to Mr Lee. Dmj 6/3/01

What is the D.O for. Does it or this order go to Mr Lee

Dmj
7/3/01.

This order goes to the Supdt Engr. The Asst Secy prepared a "A.D.O will also be sent separately to Mr Lee". Then the file was submitted. Dmj 7/3/01

L1674



To the Chief Engineer & Secretary to Government, Rev: and Agricultural Department

Bangalore 19-3-01

for Dy: Chief Engr:

1893/01

Please put up a copy of the Inviter Rep. &c. Mines & work Inquest Rep. &c. 30/3/01.

It is in this file. Please see the very 1st paper, which had not been shown in the B. forms. Dy 30/3

Subd to 2nd Comm. thro' Secy. Mr. Lee & the Mines that proper shd be made to prevent nuisance & personal injury from Cyanide tailings.

2/4/01 3/4/01

From — Chief Engineer & Secretary to Government, Rev: and Agricultural Department.

1901

189

SECRETARIAT
No. 288
15 MAR 1901
Mysore P. W. Dept.

From Superintending Engineer, Sanitary Works.

To The Secretary to the Govt. L1674
General & Rev: Departts.

Dated Bangalore 13th March 1901.
Despatched 15
Received

General No. 803
No. 184
Enclosure No.

Submitting an extract from the "Law of Nuisances" in reference to Govt. Proc: No: 11562-5 dt 25-7-00 & 2 3/01 and suggesting that the Mining Company may be called on to devise means for removing or abating the nuisance caused by the cyanide tailings.

L2
2.2.11

Submitted for orders with reference
Dy 26/3/01

1901

From

The Superintending Engineer
Sanitary Works.

To

The Secretary to the Govt. of Mysore.
General and Revenue Departts:.

Thro': The Chief Engineer of Mysore.

Dated 13th/15 March 1901.

No: 805/184

—u—

Referring to the Proceedings of Government
(810) No: 11562-5/2.7.2500 dated 2nd March 1901 recording the
objection raised by the Kolar Gold Fields
Mining Board to the provisions of Sections 62 y
of the Alkali Act into the Mysore Mines Re-
-gulations, in view to prevent nuisance and
personal injury from the Cyanide tailings,
has the honor to submit the following extract
from Page 207 of "The Law of Nuisances" —

where

"where persons are incorporated by act of Parliament for a particular purpose, and have full power given them to effect that purpose, if the effecting of it may occasion at the time of executing the work or ~ afterwards inconvenience and injury to others, they may be treated as under an obligation to take from time to time measures to prevent the occurrence of such inconvenience and injury

In the absence, therefore, of any specific provision in the Mysore Mines ~ Regulations, the Mining Companies may still be called on to devise means for removing or abating the nuisance and injury to health caused by the Cyanide tailings. Since as expressed in the judgment of Baleh-bhem, J, in Marcay Dock Trustees v Gibbs:-

"where the Legislature authorises the execution of works it does not thereby

thereby exempt those authorised to make them from the obligation to use reasonable care that in making them no damage be done to others."

Bangalore.
13-3-1901
15

Superintending Engineer,
Sanitary Works.

6. Alkali waste shall not be deposited or discharged without the best practicable means being used for effectually preventing any nuisance arising therefrom.

Deposit or discharge of alkali waste.

Any person who causes or knowingly permits any alkali waste to be deposited or discharged in contravention of this section shall be liable to a fine not exceeding, in the case of the first offence, twenty pounds, and in the case of every subsequent offence fifty pounds, with a further sum not exceeding five pounds for every day during

which any such subsequent offence has continued.

Prevention of nuisance from alkali waste already deposited or discharged.

7. Where alkali waste has been deposited or discharged either before or after the commencement of this act, and complaint is made to the chief inspector that a nuisance is occasioned thereby, the chief inspector, if satisfied of the existence of the nuisance, and that it is within the power of the owner or occupier of the land to abate it, shall serve a notice on such owner or occupier, requiring him to abate the nuisance, and if such owner or occupier fails to use the best practicable and reasonably available means for the abatement

abatement thereof he shall
be liable to a fine not exc-
ceeding twenty pounds, and
if he does not proceed to use
such means within such time
as shall be limited by the
court inflicting such fine
then he shall be liable to
a further penalty of five pounds
per day from the expiration
of the time so limited

190

10

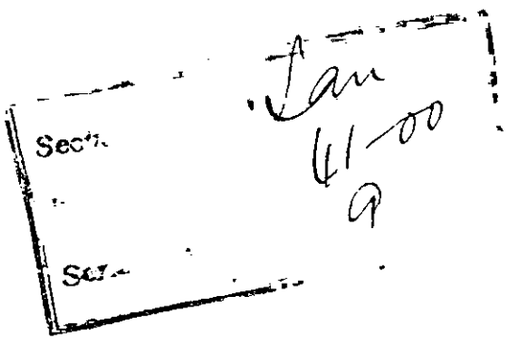
From

THE SECY. TO THE GOVT. OF MYSORE.
GEN. & REV. DEPTS.

To The President of the Sanitary Board, Kolar. K. Gold Fields

Dated
Despatched 7/5/01.
Received
General No. 14807 R.L. 2009
Ft No. 25—00

Enclosure No. one



In continuation of previous correspondence ending with Prov: No. 11562-5 / 1725-00 of 2nd March 1901, I have the honor to forward for information a copy of letter No. 805/184 of 13th March 1901 from the Superintending Engineer Sanitary Works on the subject of the removal or abatement of a nuisance caused by "By wash" cyanide tailings

BB 3/5
for Secretary

R L 2010

14807 / Ft. 25—00 9/5/01

'SBI'—1,000—1901-4.

Above Copy forwarded to the